

EXHIBIT “B”

1
2 UNITED STATES DISTRICT COURT.
3 SOUTHERN DISTRICT OF NEW YORK
-----x

4 KENNETH FRILANDO,

5 Plaintiff,

6 -against-

No. 18-5204

7
8 NEW YORK CITY TRANSIT AUTHORITY,
9 and MANHATTAN and BRONX SURFACE
OPERATING AUTHORITY

10 Defendants.

11 -----x
12 24 Union Square East
13 New York, New York

14 March 13, 2019
12:36 p.m.

15
16 DEPOSITION of ROBERT ALEXANDER, a 30(b)(6)
17 witness for the Defendant, taken by the
18 Plaintiff, pursuant to Notice, held at the above
19 time and place, taken before Shechinah Jackson,
20 a Shorthand Reporter and Notary Public of the
21 State of New York.

22
23
24 LH REPORTING SERVICE, INC.
25 Computer-Aided Transcription
718-526-7100

1 R. ALEXANDER

2 A. Yes, I have staff.

3 Q. How many staff members do you oversee?

4 A. I have eight direct reports and
5 probably in the neighborhood of a total of one
6 hundred employees in my group.

7 Q. Who is your supervisor?

8 A. Barbara Dannenberg.

9 Q. What is her position?

10 A. She's a deputy commissioner of the
11 Human Capital Line of Services.

12 Q. Have you held any other positions at
13 DCAS other than senior director?

14 A. Yes, I was test and measurement
15 specialist which is basically examine developer
16 and then I was also a supervisor of the
17 application process and unit.

18 Q. How many years in total have you
19 worked in DCAS?

20 A. 14 on June 12th.

21 Q. Does DCAS has any oversight rules over
22 the testing administration process of the
23 transit civil service exam?

24 A. Yes, they are bound by our rules.

25 Q. How are your rules propagated to the

1 R. ALEXANDER

2 transit testing administration?

3 A. We have a document called the "General
4 Examination Regulations" that lays out most of
5 the processes in which we abide by. We have
6 supplemental documents such as the "Special
7 Circumstances Guide" which provides additional
8 detail. And then Civil Service Law which is
9 not maintained by us, but they are also
10 responsible and guided by.

11 MS. KARNES: Please read back his
12 last answer.

13 (The requested portion of the record
14 was read by the reporter.)

15 Q. Okay. So, there is a document with
16 the general exam rules?

17 A. Yes.

18 Q. What is contained in that document?

19 A. Basically everything about the exam
20 process; the filing fee structure, makeup
21 criteria for different categories, special
22 accommodations for different categories.
23 Basically everything about the testing process
24 is outlined in that.

25 Q. How is that provided to New York City

1 R. ALEXANDER

2 that.

3 Q. Do you know with what agency you have
4 a contract?

5 A. It's a requirements contract. I don't
6 do contractual business.

7 Q. Have you ever, yourself, have you ever
8 contacted an interpreter?

9 A. We do.

10 Q. When did you contact an interpreter?

11 A. Spring of '17.

12 Q. In what language was that?

13 A. ASL.

14 Q. Did you contact the interpreter
15 directly or one of your staff?

16 A. I may have had some meetings with them
17 or phone calls with them, but someone made the
18 contact.

19 Q. Do you know what case that was for?

20 A. Kenneth Frilando, sanitation worker.

21 Q. Do you recall having any conversation
22 with anyone from the New York City Transit
23 Authority regarding Mr. Frilando's case?

24 A. Yes. When they received, I guess, a
25 similar request on his end, they reached out to

1 R. ALEXANDER

2 us to see what we had done for him.

3 Q. What had you done?

4 A. We provided ASL accommodations or
5 translations for all of the verbal
6 instructions. Any during test instructions and
7 the answers to those questions. But due to a
8 mistaken interpretation of the e-mail I
9 received, we also translated the option answers
10 to the test questions which we should not have
11 done.

12 Q. So, when Mr. Frilando took the
13 sanitation worker exam, he was provided with an
14 interpreter for the questions as well?

15 A. No. Any pretest instructions, any
16 questions that he had were translated and
17 responded to that way. The questions of the
18 test themselves were adopted in ASL; mistakenly
19 the answer to those questions were.

20 Q. What do you mean by "the answers to
21 those questions"?

22 A. Question one: How do I get to 14th
23 Street, A-B-C-D, the A and the answer option
24 was translated in ASL.

25 Q. So, you're saying the multiple choice

1 R. ALEXANDER

2 C E R T I F I C A T E

3 STATE OF NEW YORK)

4 :ss

5 COUNTY OF NASSAU)

6
7 I, SHECHINAH JACKSON, a Notary Public
8 within and for the State of New York, do hereby
9 certify:

10 That the witness whose examination is
11 hereinbefore set forth was duly sworn and that
12 such an examination is a true record of the
13 testimony given by such a witness.

14 I further certify that I am not related to
15 any of these parties to this action by blood or
16 marriage, and that I am not in any way
17 interested in the outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set my
19 hand this 13th day of March, 2019.

20
21
22
23 
24 Shechinah Jackson
25